

**“COUNCIL MINUTES”
EASTPORT CITY COUNCIL MEETING
WEDNESDAY, JUNE 12TH, 2013
6:00 P.M. - SHEAD HIGH SCHOOL - BAND ROOM**

Regular Monthly Meeting

I. CALL TO ORDER

The meeting was called to order by Council President, Mary Repole, at 6:00 p.m.

Those in attendance were: Councilor Mike Cummings, Councilor Colleen Dana-Cummings, Councilor Scott Emery, Councilor Gilbert Murphy, and Council President, Mary Repole. Also in attendance was City Manager, Larry Post; Deputy Clerk, Elaine Abbott; and Legal Counsel, Dennis Mahar.

II. PUBLIC HEARING(s)

**PHASE II PUBLIC INFRASTRUCTURE CDBG GRANT - \$1,000,000 - SEWER
.... *To also include a Sewer update from Olver & Associates***

The Hearing was called to order at 6:01 p.m.

Those present: Councilor Michael Cummings, Councilor Colleen Dana-Cummings, Councilor Scott Emery, Councilor Gilbert Murphy, and Council President, Mary Repole. Also in attendance was City Manager, Larry Post; Deputy Clerk, Elaine Abbott; and Legal Counsel, Dennis Mahar.

Present in the audience: Mike Mullen, Christina Greenlaw, Ed Scott, Kathryn Lewis, Nancy Milani, Greg Golding, Robert Scott, Lawrence Doak, Sr., Meg Keay, Darrell Keay, Cynthia Morse, Michael Morse, Jeff Sullivan, Lora Whelan, Ken Brown, Meg McGarvey, Dennis Mahar, Jeanne Peacock, Jon McNerney, David Darulis, Linda Godfrey, Vivian Blatt, Pat Scott, Bill Olver, Mandy Olver, Tim Bennett, Sally Erickson, Sarah Talbot, and Denise Cassidy.

First and foremost, the Council reminds everyone of the importance of signing the attendance sheet and asks that they be sure to do so.

Council President, Mary Repole, explains that the purpose of the public hearing is to discuss acceptance of a Public Infrastructure CDBG grant in the amount of \$1,000,000 which is to be utilized to address Sewer issues. She further announces that Olver Associates, an engineering firm who has been working with the City, is in attendance and will be giving an update with regard to where things are at with the Sewer/Wastewater Treatment Plant. She addresses Bill Olver and turns this portion of the meeting over to him.

Mr. Olver addresses the Council and the audience and gives a presentation of the City's infrastructure; the issues with DEP; and the major problem areas with regard to the Sewer/Wastewater Treatment Plant. He continues with an overview of the report presented to the City Council which covers the specifics of the status of the plant now and where we are headed in terms of the upgrades, repairs, maintenance, etc. He also stresses the importance of upkeep and maintenance of the equipment.

The City Manager, Larry Post, informs that Ms. Black with WCCOG is the administrator of the grant and can answer any questions should we have any.

Council President, Mary Repole, opens up the floor for questions and comments. There were none.

The Council President, Mary Repole, declared the hearing closed at 6:40 p.m.

NOTE: *The attached attested Attendance Sheet reflects a total number of (36) which includes the audience as well as those in attendance from the City.*

“ACTION ON PUBLIC HEARING”

MOTION MURPHY SECOND CUMMINGS
To accept the Phase II Public Infrastructure CDBG Grant in the amount of \$1,000,000 for the Sewer Wasterwater Treatment Plant.

PASSED 5-0

III. ADJUSTMENTS TO AGENDA

MOTION MURPHY SECOND CUMMINGS

To add Item "d" to Section VII of the agenda for the *scheduling of a public hearing* on June 25th, 2013 for the acceptance of an "SRF" Award/Loan from the Bond Bank for the Sewer WWTP in the amount of \$534,000.

PASSED 5-0

MOTION MURPHY SECOND CUMMINGS

To adjust the agenda for Council approval to authorize the City Manager to move forward with the selling of an old police cruiser and to accept the highest bid.

PASSED 5-0

IV. MINUTES OF PREVIOUS MEETING(S) - 5/8/2013

MOTION MURPHY SECOND CUMMINGS

To approve the minutes of *May 8th, 2013* as presented.

PASSED 4-1 (DANA-CUMMINGS "NO")

Councilor Dana-Cummings explains that she is voting "no" as she was not in attendance for the meeting of 5/8/2013.

V. UNFINISHED BUSINESS - NONE

VI. NEW BUSINESS

1) Audit Report (FY2012)

Council President, Mary Repole, turns this portion of the meeting over to the City's Auditor, Doug Hollingsworth. He reports that the City is being managed in a very conservative manner and that the City's finances are getting better. He continues further, with permission of the Council, to address the most important numbers and notes that he will address any questions at the end. He continues forward by reviewing the City's *Balance Sheet* as well as the *Reserve Fund* balance. In addition, he also reviews the activity and status of the *General Fund*. He continues by referencing to *Page 25* of the audit and explains that this will show how the City did in terms of its budget. He then refers to *Page 10* and the *Income Statement* which is reflective of the Sewer fund. Mr. Hollingsworth informs that they did not issue a management letter as they are pleased with the way the City is being run and did not feel that there were any comments that necessitated to be put in writing as no deficiencies were found. However, he does offer up some insight to

down the road in that we may want to consider looking at our present status of where we are at and where we are headed with the airport in terms of operations, etc. to have a better handle on a true picture of the revenue and expenses as well as the depreciation.

Councilor Dana-Cummings addresses Mr. Hollingsworth with a question and refers to *Page 19 under investments* of the audit and asks if this has been rectified yet. He responds that he cannot respond as he does not know the answer to that and explains that they have not yet started the field work for the next audit and that they would need to ask the City Manager about this.

Council President, Mary Repole, comments that the school has an almost \$90,000 surplus and that it has been carried over and the auditor reaffirms this. She continues further by saying that should anyone have any questions with regard to the audit, they can be filtered through the City Manager, Larry Post.

MOTION MURPHY SECOND EMERY
To accept the “**FY2012**” Audit Report as presented by the Auditor, Doug Hollingsworth.

PASSED 5-0

2) Police Evaluation Report

Larry Post, on behalf of the Police Chief; Mark Emery, and in his absence; gives an overview of the report submitted.

Councilor Dana-Cummings refers to *Page 34* of the report and notes that we have 3.76 officers and asks why we have so many given our population. The City Manager responds to say that a big part of this is because of our location. She also addresses the matter of less than twenty-four hour coverage and he responds that this is being looked at.

MOTION CUMMINGS SECOND MURPHY
To accept the Police Evaluation Report as submitted and read.

PASSED 5-0

3) FY2014 Budget Review

The City Manager, Larry Post, gives a summary of the budget as submitted to Council and proposes that the City will be able to keep the same tax rate as last year.

Councilor Mike Cummings addresses the City Manager with regard to the City Manager's expenses on *Page 3* and thought it was part of his contract and noted that it had increased up to \$6,000 from \$5,000. The City Manager responded to say that he will be more involved with State organizations.

Councilor Mike Cummings addresses the City Manager with a question relative to the *building repairs* and he responds to say that this is reflective of wherever we may be residing.

Council President, Mary Repole, asks the City Manager if we have a contract with Corey yet for rent. The City Manager responds to say that this will be discussed further in Executive Session but that it is reflective in this budget but is unsure of how accurate the number is.

Councilor Mike Cummings addresses the City Manager with regard to a question on *Page 5* under the heading General for \$7,500 and Expenses \$2,500. He responds to say that Council will be seeing some changes there to clarify this further. He continues to say that General refers to supplies and Expenses refers to miscellaneous.

Councilor Colleen Dana-Cummings addresses the City Manager with a question about the old A&P building with regard to the heat, what was budgeted and what was expended. He responds to say that he has the Treasurer working on this to determine why this is the case.

Councilor Mike Cummings addresses the City Manager with regard to the necessity of the Quoddy Village Fire Station and would like to see Council discuss this further. He confers that this does need to be looked into to determine its future.

Councilor Colleen Dana-Cummings addresses the line item of the budget with regard to Health Insurance for the Police Department. The City Manager responded to say that the FY2013 budget was \$57,000 and the FY2014 is \$45,000. Councilor Dana-Cummings apologizes as she was looking at the column for year to date.

Councilor Mike Cummings refers to *Page 26* and notes that the Health Insurance for Sewer went from \$12,000 to \$22,500. The City Manager makes reference that he believes that family members have been added to the policy.

4) Council to Approve Moving City Hall to 22 Washington St on or before 5/14/2014

The City Manager addresses the Council with a request of them to give consideration to moving City Hall down to 22 Washington Street where ORPC currently exists. Council responded that they will give it consideration but decides to table this matter

at this time. In addition, the City Manager updates Council that he has been approached by the Chamber of Commerce with an interest to also reside in the building with office space and to also offer up public restrooms. The City Manager also informs the Council that he has been contacted by the Historical Society with a possible interest of utilizing the current City Hall for their relocation.

Councilor Mike Cummings responds to say that the money appropriated for that was to draw business and would rather see an entity there that would be paying taxes and employing people.

Councilor Colleen Dana-Cummings comments to say that here concern is that it is zoned Commercial space and could get a lot more than \$12,000 if the City were to put it out to bid for rent or sale of the building. She continues further to make reference of the renovations at the location of the present City Hall sometime ago and suggests that we get quotes to see what it would cost to continue forward with the renovations.

Councilor Scott Emery comments to say that before he would make a decision he would like to know of the cost to make the transition as well as the renovations.

Councilor Gilbert Murphy responds to say that he would like to see City Hall down there as it would be part of the business district of Eastport and feels that it is a good location and would give a good representation and impression of City Hall and believes this is where we need to be.

Council President, Mary Repole, comments to say that she understands everyone's concern and would also need to know what it is going to cost to renovate.

Meg Keay from the audience addressed the Council to reaffirm the Chamber's conversation with the City Manager and shares that they are willing to put up a substantial amount of the money to assist with the renovations for the public restrooms. Meg McGarvey responds to say that the Chamber is helping to promote the City by offering this opportunity. Sarah Talbot speaks that she believes having the Chamber there also contributes to not only the Post Office business but the Library as well. Denise Cassidy brings up the concern with regard to parking.

The Council President, Mary Repole, asks the City Manager to come back to Council next month with plans and the associated costs for consideration of this matter.

5) "FY2014" Municipal Trash Bid

MOTION MURPHY SECOND EMERY

To authorize putting out to bid the City's FY2014 Municipal Trash and that it is to *include* "recycling" and to give consideration to local contractors a benefit of 5%.

PASSED 5-0

6) Change in Retirement Match

The City Manager approaches the Council with a proposal relative to the existing retirement match. Presently, the employees puts in up to 3% and the City matches it. He brings to the Council's attention the fact that there may be employees who may not be in a financial position to put into money into a retirement account, which in turn, translates to a greater need of it. Thus, he suggests and proposes that Council drop the match from the employee but the City continue with the 3% of their salary, not to include overtime. He notes that this is reflected in the budget.

Councilor Colleen Dana-Cummings reminds us that we should refer to the Personnel Policy to be certain what is currently in place. The City Manager reminds Council that the policy would need to reflect this change should the Council consider the proposal.

Councilor Gilbert Murphy asks the City Manager if the employee has to work a certain number of years before they are able to participate in the retirement plan. The City Manager comments to say that he cannot answer to this as they are individual plans and that this is another reason for putting something in place.

Councilor Gilbert Murphy speaks that he feels this needs to be looked into further before they vote on this matter.

Councilor Colleen Dana-Cummings commends the City Manager for looking out for the employees and expresses this to him.

MOTION CUMMINGS SECOND MURPHY
To table to this matter at this time and to give it further consideration when additional information is available.

PASSED 5-0

7) Bangor Hydro Electric Police Permit - Perkins Road

MOTION CUMMINGS SECOND EMERY
To approve the pole permit for Perkins Road as submitted by Bangor Hydro.

PASSED 5-0

8) Tax Map #E3-0A1-02 (1 Byrd St.) Write off of Balance on Sewer

MOTION CUMMINGS SECOND EMERY

To authorize the write off of \$1,626.20 for Sewer charges reflective of Acct. #106 referencing Tax Map #E3-0A1-02 at 1 Byrd Street.

PASSED 5-0

9) Airport Hangar Leases

MOTION CUMMINGS SECOND MURPHY

To table this matter until the Airport Manager, Steve Trieber, is present and in attendance for the meeting.

PASSED 5-0

10) Council to Activate Recreation Committee

MOTION MURPHY SECOND CUMMINGS

To re-activate the Recreation Committee.

PASSED 5-0

11) Extension of On-Premise Permit requested by Happy Crab

MOTION MURPHY SECOND CUMMINGS

To approve an application requesting an Extension of On-Premise Permit as requested by the Happy Crab for property parking for the events scheduled for July 3rd through the 7th as well as September 6th through the 8th

PASSED 5-0

12) Council to Approve Changing Water St. to One-Way July 1st through Sept. 15th

Sarah Talbot from the audience addresses the Council and expresses that it is shocking and that she is speechless. She further comments to say that they have spent the last ten years to bring people to the downtown area and to have them stay and linger. She strongly opposes this proposal.

Councilor Gilbert Murphy responds to say that it was his idea and that it was put out there to help with the flow of traffic.

Councilor Mike Cummings reminds everyone that it would be temporary but that it is important we have everyone's input.

Councilor Colleen Dana-Cummings speaks that she feels the wording could have been better and that it should be a Public Hearing.

Councilor Gilbert Murphy responds to say that his intent was just to bring it up for discussion and put a feeler out there.

Council President, Mary Repole, reminds everyone that it was only a suggestion and to hold a discussion on it, nothing further.

13) Council to Approve Using up to \$65,000 from Reserve for Street Sweeper

MOTION CUMMINGS SECOND MURPHY
To authorize the utilization of funds from the Reserve account, ***not to exceed \$70,000***, for a Street Sweeper.

Councilor Colleen Dana-Cummings asks the City Manager to clarify what the Reserve account is. He responds to say that these funds would come from the \$274,000 as identified on Page 23 of the audit listed under “*Capital Project*”.

The City Manager informs Council that they are looking at a used one with H. P. Fairfield that can also be utilized for the catch basins as well but asks that they raise the amount to \$70,000. In addition, it is one that can be driven to be fixed as opposed to put it on a truck.

Councilor Colleen Dana-Cummings expresses her concern that the account is really the Economic Development account and the City Manager explains that this is the Reserve account and that it needs to be renamed.

Jon McNerney addresses the City Manager with a question as to the amount in the Economic Development/Excess Funds account. He responds \$274,130.18. Mr. McNerney reminds the City Manager that he has forwarded on a request with regard to how that breaks down relative to the numbers.

MOTION CUMMINGS SECOND MURPHY
To authorize the utilization of funds from the Reserve account, ***up to and not to exceed \$70,000***, for a Street Sweeper.

14) July 4th Vendors Fees

The City Manager updates Council that the Committee issues the Victualer licenses on behalf of the City and oversee the set up of all the vendors as well as the required tasks that need to be done (which are completed on a volunteer basis)

MOTION CUMMINGS SECOND MURPHY

To approve and authorize the donation of the City's fees which are included in the vendors fees to be given back to the appropriate festival committee and its event, in lieu of their volunteerism and that they be given back to the committee to help with the raising of funds and to assist with the survival of its entity.

PASSED 5-0

15) Chamber – “Little Free Library” and Chamber Kiosk

Meg Keay addresses the Council and explains a little bit of the project which is happening all across the globe and that it represents to look like a little bird house. The Chamber would like to be a Steward for this Little Free Library but requests that placement of it be somewhere near the Fisherman's Statue downtown possibly by the bench or near the parking lot to be in size of 3x3. The State of Maine currently has six total. This offers books up to kids as well as adults. It can be seen on the facebook page of the Chamber.

MOTION DANA-CUMMINGS SECOND CUMMINGS

To authorize the placement of “Little Free Library” in the vicinity of the Fishermen Statute by the bench and near the parking lot to approximately 3x3 in size.

PASSED 5-0

Meg Keay asks Jeanne Peacock to speak relative to the Chamber's Kiosk. Mrs. Peacock informs the Council that its purpose is to delivery information about the community by way of brochures or a calendar of events, etc. which is protected by a piece of plexiglass from the elements of weather. She continues to say that Michael Morse has two designs that are both very nice. They are looking to consider placement for two locations. One being by the Fisherman Statute in the grassy area and the other one being down at the Port Authority. The Chamber would be financially responsible for the placement of it and is willing to present to Council the designs.

Councilor Mike Cummings asks a question with regard to the size of the signage and suggests that we look into this. Mrs. Peacock clarifies that it is not a sign but a kiosk. The Tax Assessor will need to gather info relative to the size. More information is needed before a Public Hearing can be scheduled to take place. Council President, Mary Repole, asks that they come back and address the Council at their next monthly meeting.

Councilor Scott Emery suggests that another area of location to be considered is at the head of the first slip as it gets a lot of traffic.

16) Eastport Arts Center - "The Moose Island Follies"

MOTION CUMMINGS SECOND MURPHY
To approve the application as submitted by the Eastport Arts Center for their event entitled "The Moose Island Follies" scheduled for July 3rd, 2013 from 4:00 p.m. to 10:00 p.m.

PASSED 5-0

17) Land Purchase - Railroad Property

The City Manager defers this matter to Councilor Mike Cummings. He updates Council that this is a half an acre of land that the railroad owns with requesting a minimum amount of \$7,500 but that they are willing to offer it to the City for \$6,000. Councilor Cummings explains that the intent is to utilize this piece of land as a recreational area (which is close to the Little League and the Tennis Courts) with consideration or potential for a Skateboard Park and to also include some parking.

MOTION CUMMINGS SECOND DANA-CUMMINGS
To authorize the land purchase of railroad property on County Road for \$6,000 to be utilized recreationally.

PASSED 5-0

18) Police Department Car/Cruiser

MOTION MURPHY SECOND EMERY
To authorize the City Manager to put the oldest police car out to bid and to accept the highest bid.

PASSED 5-0

VII. SCHEDULING OF PUBLIC HEARINGS

MOTION MURPHY SECOND EMERY
To *schedule* a Public Hearing on June 25th, 2013 for a **new** business on a **Victualer license** for *Christina Greenlaw d/b/a Downeast Donuts & Ice Cream*.

PASSED 4-1

MOTION MURPHY SECOND EMERY
To *schedule* a Public Hearing on June 25th, 2013 for a **new Victualer License** for *Daniel Sullivan* on the operation of a *Mobile Food Truck*.

PASSED 4-1

MOTION MURPHY SECOND EMERY
To *schedule* a Public Hearing for June 25th, 2013 on the City's "**FY2014**" **Budget**.

PASSED 4-1

MOTION MURPHY SECOND EMERY
To *schedule* a Public Hearing for June 25th, 2013 on acceptance of the "**SRF**"
Award/Loan for the Sewer WWTP in the amount of \$534,000.

PASSED 4-1

MOTION MURPHY SECOND EMERY
To *schedule* a Public Hearing for June 25th, 2013 on the **Chamber Kiosk**.

PASSED 4-1

VIII. Reports

1. City Manager

The City manager, Larry Post, gives the Council an update with regard to the various projects that he has been working on.

2. Departments

A) Financial Report

MOTION CUMMINGS SECOND EMERY
To accept the ***Financial Report*** from the Treasurer, Traci Jamieson, which consists of a reporting on the Expense and Revenues as well as the Payables and Payroll for the month of ***May, 2013***

PASSED 5-0

B) Code Enforcement Report

MOTION CUMMINGS SECOND MURPHY
To accept the ***Code Enforcement Officer/Assessor Report*** for ***May, 2013*** as presented.

PASSED 5-0

C) Police Department Report

MOTION CUMMINGS SECOND MURPHY
To accept the *Police Department Report* for *May, 2013* as presented.

PASSED 5-0

D) Public Works Report - No Report (at the request of Council)

E) Sewer Report

MOTION MURPHY SECOND CUMMINGS
To accept the *Sewer Operations Report* for *May, 2013* as presented.

PASSED 5-0

3. Boards and Committees

A) Planning Board

MOTION CUMMINGS SECOND EMERY
To accept the report as given and presented.

PASSED 5-0

B) Zoning Board - NO REPORT

C) Historic Review - NO REPORT

D) Airport - Fuel Discount Request of \$.25 cents for Wes Hedlund

MOTION CUMMINGS SECOND EMERY
To table this matter at this time.

PASSED 5-0

E) Harbor

Councilor Scott Emery updates Council that there is not much to report other than they did not get the grant for the boat ramp but that the breakwater has resumed a status of being usable.

MOTION CUMMINGS SECOND EMERY
To accept the update as presented and given.

PASSED 5-0

F) Downtown - Reappointment of Committee Members

MOTION MURPHY SECOND CUMMINGS

To approve the reappointment of Chris Brown, Ken Brown, Robert Chaffey, Owen Lawler, Meg McGarvey, Michael Morse, and Sarah Talbot to the Downtown Committee.

PASSED 5-0

G) Charter Committee

Ken Brown gives a report that there are eleven sections to the Charter and that they have completed eight of them and continue to move forward and are in hopes to be finished within a couple of months.

MOTION CUMMINGS SECOND EMERY

To accept the Charter Committee report as given and presented.

PASSED 5-0

H) Port Report

Council President reaffirms that the Port is in good shape with where they are at with the breakwater and getting it back to its usable state. She also informs Council that Captain Robert Peacock has made arrangements to have a ship from the Maine Maritime come in on June 29th. She also notes that he has looked into having a Canadian vessel come in as well.

Councilor Colleen Dana-Cummings asks the Council President when the audit report for the Port will be available. She was not certain but assures her that she will forward it along as soon as it is available to her.

MOTION CUMMINGS SECOND EMERY

To accept the Port Report as given.

PASSED 5-0

I) Energy Committee

Jon Calame addresses the Council and gives an update to the various Projects currently in progress.

MOTION CUMMINGS SECOND EMERY
To accept the report as given and presented.

PASSED 5-0

J) Ordinance Review Committee

Michael Morse addresses the Council and informs them that they are at a point where they will be making a recommendation to the Planning Board with regard to Route 190.

MOTION CUMMINGS SECOND EMERY
To accept the report as given and presented.

PASSED 5-0

K) FY2014 Budget Committee

MOTION CUMMINGS SECOND EMERY
To accept the update as given by the City Manager, Larry Post.

PASSED 5-0

4. Council

A) Ambulance

Councilor Murphy reports that Woodland decided to stay with us for the year.

MOTION CUMMINGS SECOND EMERY
To accept the Ambulance report as presented by Councilor Murphy.

PASSED 5-0

B) Marion Transfer Station

Councilor Murphy reports that the plans for the re-design of the former landfill site were put out to bid and awarded to Hanscom Construction.

MOTION CUMMINGS SECOND EMERY
To accept the Marion Transfer report as presented by Councilor Murphy.

PASSED 5-0

IX. Public Forum (Will be held at 8:00 p.m.when meetings extend beyond)

Jon McNerney addresses the Council and asks if they know the status of getting in a new boat dock. Council is uncertain of the status but suggests that he check with the committee for a more accurate update. Linda Godfrey recognizes the positive feedback from the auditor and the good job done by all.

X. Council Issues - There were none.

XI. Executive Session (if applicable)

MOTION EMERY SECOND MURPHY
To go into Executive Session under Title 1 M.R.S.A. § 405(6)(A) to discuss personnel matters and to also go in for real property and economic development under Title 1 M.R.S.A. § 405(6)(C).

PASSED (5-0) TIME: 9:10 P.M.

MOTION EMERY SECOND MURPHY
To come out of Executive Session.

PASSED (4-0) TIME: 9:40 P.M.

ACTION TAKEN

MOTION MURPHY SECOND EMERY
To authorize the reimbursement of \$1,000 to Jeff Sullivan in lieu of his generator that he was using at the Sewer plant which became missing.

PASSED 4-1 (DANA-CUMMINGS - "NO")

MOTION MURPHY SECOND EMERY
To authorize the City Manager to handle the *lease negotiations* between the City and **Corey with Millenium Marine** as well as the City and **John Atwood with Tex-Shield** for space at the former Mill building and to report back to Council with the results.

PASSED 5-0

XII. ADJOURN

MOTION MURPHY SECOND EMERY
To adjourn.

PASSED (5-0) TIME: 9:45 P.M. -17-